

Thursday, November 1, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 3:00-4:00 p.m.
Five "One-minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 780—Rule Providing for consideration of H.R. 2262 - Hardrock Mining and Reclamation Act of 2007 (Rep. McGovern-Rules):** The structured rule provides one hour of debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. McGovern, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**
- **H.R. 2262 - Hardrock Mining and Reclamation Act of 2007 (Rep. Rahall-Natural Resources):** Pursuant to the rule, debate on the bill will be managed by Natural Resources Committee Chair Rep. Nick Rahall, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**

Bill Summary and Key Issues

H.R. 2262, the Hardrock Mining and Reclamation Act of 2007

The “Hardrock Mining and Reclamation Act of 2007” (H.R. 2262) provides a strong, clear framework for sustainable hardrock mining on public lands. The bill provides a much-needed overhaul of the regrettably outdated Mining Law of 1872. H.R. 2262 would put an end to the giveaway of public lands and impose a royalty on the production of valuable minerals – just as oil and gas, and coal produced on federal lands pay a royalty for the resources they remove. The royalty, in turn, would help fund the estimated \$30-\$70 billion in abandoned mine cleanup costs, a cost taxpayers currently foot. H.R. 2262 maintains a high national standard for hardrock mining operations and reclamation, and emphasizes that some places are simply not appropriate for mining.

The bill includes several key changes to make it more workable and effective for industry, land managers, Uncle Sam and local governments alike. These include:

- ***Improvements to sustain a robust mining industry in the United States.*** This bill requires fully operational mines to pay a 4% gross income royalty, recognizing that many companies have already made substantial investments in properties based on economic calculations without a royalty and should not, therefore, be subject to the full 8% royalty new mines will pay. Another provision ensures security of tenure for those who engage in exploration and discover minerals on valid claims.
- ***Fostering efficiency:*** H.R. 2262 proposes a straightforward application process for exploration permits, in light of the shortcomings of applying a “one-size-fits-all” process to both exploration and operations. In light of the complexities of the permitting process, as amended the bill would extend the term of mine permits to 20 years, with an automatic renewal of 20 additional years.
- ***Practical and enforceable environmental standards:*** H.R. 2262 gives the Secretary of the Interior the right to say “no” to a proposed mine that would have severe, irreparable impacts on public resources. It establishes a simple but effective standard for mining on public lands; a proposed mine that cannot be carefully controlled to prevent undue degradation of lands and resources would not be permitted. The bill requires regulations to address a comprehensive list of environmental objectives and emphasizes transparency and public participation as critical elements of the mine permitting process.
- ***Provisions to help local governments balance competing uses and values of public lands, including mineral development:*** H.R. 2262 gives States, their political subdivisions and Tribal governments the ability to petition the Secretary to withdraw federal lands from mining to proactively protect drinking water, wildlife habitat, and other resources they determine are critical to their communities or local economies. The Secretary also would be required to work with State and local governments to address impacts of surface or groundwater withdrawals resulting from mining.

In short, H.R. 2262 responds to 20 years of House deliberations on the matter of comprehensive reform of the Mining Law of 1872, including four hearings and nine months of valuable input from all perspectives this year. The core goals remain the same – to craft a new mining law that reflects modern values and goals with benefits for taxpayers, public lands and the mining industry

Anticipated Amendments to H.R. 2262-the Hardrock Mining and Reclamation Act of 2007

Rahall (WV): The amendment would clarify that “valid existing rights” associated with existing mining claims would be protected under the Act. It would clarify that in addition to paying a 4% royalty, existing operations will still need to come into compliance with the Act within 10 years. It would clarify that the claim maintenance and location fees currently allotted to administration of the mining laws will continue to be so allotted with the balance going to clean-up of abandoned hardrock mines, subject to appropriations. It would clarify that user fees assessed by the BLM to process mining permit applications will be used for administration of the mining law program. It would limit the purview of section 504-citizen suits- to permits issued pursuant to title III of the Act. Finally, it would clarify that nothing under the Act will affect the sovereign immunity of any Indian Tribe. (10 minutes)

Pearce (NM): The amendment would strike the definition of "undue degradation" in the legislation. (10 minutes)

Matsui (CA): The amendment states that river watershed areas may be considered as eligible and as priorities to receive funding from the Abandoned Locatable Minerals Mine Reclamation Fund. (10 minutes)

Heller (NV): The amendment would redirect 50 percent of the funds deposited into the Hardrock Reclamation Fund to states in proportion to the royalty funds generated there. (10 minutes)

Sali (ID): Strikes section 101- Limitation on Patents., (10 minutes)

Cannon (UT): The amendment would strike section 517- Mineral materials. (10 minutes)

Pearce (NM): The amendment would establish the Mineral Commodity Information Administration into a role in the Department of Interior. This administration would have the Minerals Information Team (MIT) to collect, analyze, and disseminate information on the domestic and international supply of, and demand for, minerals and mineral materials critical to the U.S economy and national security. This amendment will remove the MIT from under the U.S. Geological Survey and establish it as a stand-alone agency within the Department of the Interior. The amendment increases MIT's staff in order to perform the new and expanded functions authorized in the amendment. (10 minutes)

Quote of the Day

"May none but honest and wise men ever rule under this roof." –John Adams
(Referencing the White House in a letter to Abigail Adams in on 11/2/1800)